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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
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| 10/005,988  | 10/29/2001  | Hideyasu Kanemaki    | 100794-00057(FUJI<br>19.116) | 9354             |
| 26304   | 7590        | 01/20/2006           | EXAMINER                     |                  |
| KATTEN MUCHIN ROSENMAN LLP<br>575 MADISON AVENUE<br>NEW YORK, NY 10022-2585 |             |                      | TRAN, NGHI V                 |                  |
|   |             |                      | ART UNIT                     | PAPER NUMBER     |
|   |             |                      | 2151                         |                  |

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/005,988 | Applicant(s)<br>KANEMAKI ET AL. |  |
|                              | Examiner<br>Nghi V. Tran      | Art Unit<br>2151                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 02, 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-18, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parnafes et al., U.S. Patent No. 6,721,272 (hereinafter Parnafes), in view of Ebata et al., U.S. Patent No 6,708,209 (hereinafter Ebata).

3. With respect to claims 1 and 26-27, Parnafes teaches a method of reserving a transmission band of a transmission line for transmitting data (see abstract and figs.1-4)

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via a plurality of Internet service providers on the Internet between a content server [i.e. sender device **102**] and a policy server [i.e. policy server **110**], the method comprising the steps of:

- (a) the content server **102** requesting an intermediary server [i.e. RSVP proxy **104**] to reserve the transmission band [col.7, ln.37 - col.8, ln.27]; and
- (b) the intermediary server reserving the transmission band for the content server and policy server [col.8, lns.29-64],

However, Parnafes does not explicitly show receiving the user policy; searching for IP address of policy servers of the plurality of Internet service providers; transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers; receiving a band reservation result from each corresponding policy server; determining whether the requested band reservation is confirmed by the band reservation results; and transmitting the band reservation results to the first communication device. Further, Parnafes does not explicitly show transmitting a user policy that includes an ordering number.

In reserving a transmission band method, Ebata discloses the reserving step [Ebata, abstract] further includes the steps of:

- receiving the user policy [fig. 2 i.e. range of network in which user can change settings];
- searching for IP address of policy servers of the plurality of Internet service providers [fig. 5 and 19-21];

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- transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers [col.9, ln.4 - col.10, ln.15];
- receiving a band reservation result from each corresponding policy server [col.6, ln.29 - col.7, ln.46];
- determining whether the requested band reservation is confirmed by the band reservation results [col.5, ln.7 - col.6, ln.25]; and
- transmitting the band reservation results to the content server [col.4, ln.50 - col.5, ln.6].

Further, Ebata suggests transmitting a user policy that includes an ordering number [i.e. organization ID **50002** fig.4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parnafes in view of Ebata by receiving the user policy, searching for IP address of policy servers, and confirming the requested band reservation because these features can be guaranteed in its own network, or local network, for an inter-network communications [Ebata, col.2, lns.6-7]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parnafes in view of Ebata in order to provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed by, and not violating, the policies made public by the policy servers of a plurality of networks associated with the quality-guaranteed path to be provided [Ebata, col.2, lns.23-27].

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4. With respect to claim 2, Parnafes further teaches the first communication device transmits IP addresses of the first and second communication devices, IP addresses of each of a plurality of routers on the transmission line between the first and second communication devices, and a desired band value to be reserved to the intermediary server [col.5, ln.43 - col.6, ln.5].

5. With respect to claim 3, Parnafes further teaches the intermediary server identifies a band reservation setting server [110 i.e. policy server and col.6, lns.30-58] for each of the plurality of routers from the IP addresses thereof, each of the band reservation setting servers causing its respective router to reserve the transmission band [col.5, lns.43-54 i.e. transport parameters].

6. With respect to claim 4, Parnafes further teaches the intermediary server identifies the band reservation setting servers by referring to a table on which IP addresses of each of the band reservations servers is recorded so as to be correlated with an IP address of its respective router [col.8, lns.5-65 i.e. a table is inherent as transport parameters or policies].

7. With respect to claim 5, Parnafes further teaches each of the band reservation setting servers causes its respective router to reserve the transmission band in accordance with band setting requests transmitted from the intermediary server (col.8, lns.5-65 i.e. RSVP proxy can override policies which located on itself or policy server).

8. With respect to claim 9, Parnafes further teaches the intermediary server, instead of the desired band value, utilizes an ID (col.8, Ins.44-49 i.e. an ID is interpreted as the user names) of one of the Internet service providers to which one the second communication device is connected and IP addresses of communication devices connected to the one of the Internet service providers, the ID and the IP addresses being transmitted from the one of the Internet service providers (col.8, Ins5-65 and figs.1-4).

9. With respect to claim 10, Parnafes further teaches the desired band value is a transmission rate (col.8, Ins.24-27) at which the second communication device is connected to the one of the Internet service providers (figs.1-2 and 5).

10. With respect to claim 11, Parnafes further teaches the intermediary server transmits an inquiry about the transmission rate to the one of the Internet service providers (col.8, Ins.29-64 i.e. RSVP proxy check required bandwidth).

11. With respect to claim 12, Parnafes further teaches the one of the Internet service providers responds to the inquiry from the intermediary server (col.8, Ins29-64).

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12. With respect to claim 13, Parnafes further teaches the first communication device transmits IP addresses of the first and second communication devices, and IP addresses of routers on the transmission line to the intermediary server (fig.2).

13. With respect to claim 14, Parnafes further teaches a desired value of the transmission band is a transmission rate (col.5, ln.66 - col.6, ln.2) at which the second communication device is connected to a corresponding one of the Internet service providers (fig.2 and col.6, lns.64-66).

14. With respect to claim 15, Parnafes further teaches the intermediary server transmits an inquiry about the transmission rate to the corresponding one of the Internet service providers (col.8, lns.29-64 i.e. RSVP proxy check required bandwidth).

15. With respect to claim 16, Parnafes further teaches the corresponding one of the Internet service providers responds to the inquiry from the intermediary server (col.8, lns.29-64).

16. With respect to claim 17, Parnafes further teaches the second communication device (106 i.e. receiving device) is connected to one of the Internet service providers (526 and col.10, lns.33-46) which one includes a copy server (530 i.e. server) having a copy of a content distributed by the first communication device (col.10, lns.47-57 i.e. policy); and the first communication device, based on a request of the second

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communication device for the content, informs the copy server that the content is distributed from the copy server to the second communication device by reserving a transmission band between the first communication device and the second communication device [col.10, Ins.47-57].

17. With respect to claim 18, Parnafes further teaches the copy server (110 i.e. policy server) transmits an IP address thereof, an IP address of the second communication device, a desired band value to be reserved, and IP addresses of all routers between the copy server and the second communication device to the intermediary server (col.6, Ins.30-53 and col.5, Ins.43-54 i.e. transport parameters).

18. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Parnafes and Ebata as applied to claim 3 above, and further in view of Ise et al., U.S. Patent No. 6,336,129 (hereinafter Ise).

19. With respect to claim 6, both Parnafes and Ebata are silent on the steps (c) the first communication device requesting the intermediary server to release the reserved transmission band; and (d) the intermediary server releasing the reserved transmission band.

In a method of reserving a transmission band, Ise discloses the steps of:

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- (c) the first communication device [501 i.e. transmitting terminal] requesting the intermediary server to release [i.e. teardown] the reserved transmission band [col.2, ln.64 - col.3, ln.38 and fig.3]; and
- (d) the intermediary server [701, 702, 703, or 704 i.e. LSR] releasing the reserved transmission band [figs.11-13].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Parnafes and Ebata, and further in view of Ise by requesting the intermediary server to release the reserved transmission band because this feature "is possible to delete the reserved bandwidth immediately" [Ise, col.3, lns.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Parnafes and Ebata, and further in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" [Ise, col.3, lns.17-19].

20. With respect to claim 7, both Parnafes and Ebata are silent on the intermediary server instructs the band reservation setting servers to release the reserved transmission band. However, Parnafes clearly teaches the intermediary server (i.e. RSVP proxy) instructs (i.e. overrides) the band reservation setting servers (i.e. policy server) [Parnafes, col.8, lns.17-21].

In a method of reserving a transmission band, Ise discloses the intermediary server [Ise, 701, 702, 703, or 704 i.e. LSR] instructs the band reservation setting

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servers (i.e. the receiving terminal or a router from a receiving side) to release the reserved transmission band [Ise, col.2, ln.64 - col.3, ln.38 and fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Parnafes and Ebata, and further in view of Ise by instructing the band reservation setting servers to release the reserved transmission band because this feature "is possible to delete the reserved bandwidth immediately" [Ise, col.3, lns.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Parnafes and Ebata, and further in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" [Ise, col.3, lns.17-19].

21. With respect to claim 8, both Parnafes and Ebata are silent on each of the band reservation setting servers causes its respective router to release the reserved transmission band in accordance with a band release request transmitted from the intermediary server.

In a method of reserving a transmission band, Ise discloses each of the band reservation setting servers causes its respective router to release the reserved transmission band in accordance with a band release request transmitted from the intermediary server [Ise, figs. 3 and 11-13].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Parnafes and Ebata, and further in view of Ise by releasing the transmission band of all the respective routers because this

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feature "is possible to delete the reserved bandwidth immediately" [Ise, col.3, Ins.15-16].

It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify both Parnafes and Ebata, and further in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" [Ise, col.3, Ins.17-19].

### ***Response to Arguments***

22. Appliant's arguments have been fully considered but they are not persuasive because of the following reasons: Parnafes teaches a method of reserving a transmission band of a transmission line for transmitting data (see abstract and figs.1-4) via a plurality of Internet service providers on the Internet between a content server [i.e. sender device **102**] and a policy server [i.e. policy server **110**], the method comprising the steps of: (a) the content server **102** requesting an intermediary server [i.e. RSVP proxy **104**] to reserve the transmission band [col.7, ln.37 - col.8, ln.27]; and (b) the intermediary server reserving the transmission band for the content server and policy server [col.8, Ins.29-64]. However, Parnafes does not explicitly show receiving the user policy; searching for IP address of policy servers of the plurality of Internet service providers; transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers; receiving a band reservation result from each corresponding policy server; determining whether the requested band reservation is confirmed by the band reservation results; and transmitting the band reservation results to the first communication device. Further, Parnafes does not explicitly show

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transmitting a user policy that includes an ordering number. In reserving a transmission band method, Ebata discloses the reserving step [Ebata, abstract] further includes the steps of: receiving the user policy [fig. 2 i.e. range of network in which user can change settings]; searching for IP address of policy servers of the plurality of Internet service providers [fig. 5 and 19-21]; transmitting the user policy to each policy server corresponding to one of the plurality of Internet service providers [col.9, ln.4 - col.10, ln.15]; receiving a band reservation result from each corresponding policy server [col.6, ln.29 - col.7, ln.46]; determining whether the requested band reservation is confirmed by the band reservation results [col.5, ln.7 - col.6, ln.25]; and transmitting the band reservation results to the content server [col.4, ln.50 - col.5, ln.6]. Further, Ebata suggests transmitting a user policy that includes an ordering number [i.e. organization ID **50002** fig.4]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parnafes in view of Ebata by receiving the user policy, searching for IP address of policy servers, and confirming the requested band reservation because these features can be guaranteed in its own network, or local network, for an inter-network communications [Ebata, col.2, lns.6-7]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parnafes in view of Ebata in order to provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed by, and not violating, the policies made public by the policy servers of a plurality of networks associated with the quality-guaranteed path to be provided [Ebata, col.2, lns.23-27].

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23. In response to Applicant's argument that the combination of Parnafes in view of Ebata would still fail to teach or suggest a method of reserving a transmission band of a transmission line for transmitting data via a plurality of ISP on the Internet between a content server and a policy server. Parnafes suggests a method of reserving a transmission band of a transmission line for transmitting data [Parnafes, see abstract and figs.1-4] via a plurality of Internet service providers [i.e. ISP] on the Internet [i.e. WAN, Parnafes, see col.6, lns.65-66] between a content server [i.e. sender device **102**] and a policy server [i.e. policy server **110**].

24. In response to Applicant's argument that the combination of Parnafes in view of Ebata would still fail to teach or suggest transmitting a user policy that includes an ordering number. Ebata discloses transmitting a user policy that includes an order number [i.e. organization ID **50002**, Ebata, see fig.4].

### ***Conclusion***

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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SUPERVISORY PATENT EXAMINER